THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13564 of 2006

DATED: 06.07.2006

Between
Batchu Raju Babu. .. PETITIONER

Versus

The Kakinada Municipal Corporation,
represented by Commissioner, Kakinada,
East Godavari District and another. .. RESPONDENTS

WRIT PETITION NO.13564 of 2006

ORDER:

Heard the learned counsel.

2. This Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in widening the road by demolishing the petitioner's premises situated within Kakinada Municipal Corporation, East Godavari District without due process of law as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and pass such other suitable orders.

3. It is stated that the petitioner and certain others are absolute owners and possessors of different premises in Kakinada town. The Kakinada Municipality had been recently upgraded as Municipal Corporation and after the upgradation, the respondents had decided to widen the existing roads including Vallabhai Street @ Cinema Street where the petitioner's premises is situated and made the markings on the walls of the building indicating the feet to the extent the building would be demolished. It is further stated that the officials of the respondents-Corporation had orally instructed the petitioner to remove his belongings in his premises to the extent that is going to be demolished. It is further stated that the procedure in accordance with law had not been followed.

In view of the facts and circumstances explained, the Writ Petition is disposed of with a direction to the respondents not to resort the demolition activity in relation to the subject matter of the Writ Petition unless and until they follow due process of law. No costs.

06.07.2006

SSR